

5

AMENDMENT TO SENATE AMENDMENT TO H.R. 2

OFFERED BY M r. Burgess

Amend section 112 to read as follows:

1 **SEC. 112. PHASE-OUT OF COVERAGE FOR NONPREGNANT**
2 **ADULTS UNDER CHIP; CONDITIONS FOR COV-**
3 **ERAGE OF PARENTS.**

4 (a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et
5 seq.) is amended by adding at the end the following new
6 section:

7 **“SEC. 2111. PHASE-OUT OF COVERAGE FOR NONPREGNANT**
8 **ADULTS.**

9 “(a) TERMINATION OF COVERAGE FOR NONPREG-
10 NANT ADULTS.—

11 “(1) NO NEW CHIP WAIVERS; AUTOMATIC EX-
12 TENSIONS AT STATE OPTION THROUGH FISCAL YEAR
13 2009.—Notwithstanding section 1115 or any other
14 provision of this title, except as provided in this sub-
15 section—

16 “(A) the Secretary shall not on or after the
17 date of the enactment of the Children’s Health
18 Insurance Program Reauthorization Act of
19 2009, approve or renew a waiver, experimental,
20 pilot, or demonstration project that would allow

1 funds made available under this title to be used
2 to provide child health assistance or other
3 health benefits coverage to a nonpregnant
4 adult; and

5 “(B) notwithstanding the terms and condi-
6 tions of an applicable existing waiver, the provi-
7 sions of paragraph (2) shall apply for purposes
8 of any period beginning on or after October 1,
9 2009, in determining the period to which the
10 waiver applies, the individuals eligible to be cov-
11 ered by the waiver, and the amount of the Fed-
12 eral payment under this title.

13 “(2) TERMINATION OF CHIP COVERAGE UNDER
14 APPLICABLE EXISTING WAIVERS AT THE END OF
15 FISCAL YEAR 2009.—

16 “(A) IN GENERAL.—No funds shall be
17 available under this title for child health assist-
18 ance or other health benefits coverage that is
19 provided to a nonpregnant adult under an ap-
20 plicable existing waiver after September 30,
21 2009.

22 “(B) APPLICATION OF ENHANCED FMAP.—
23 The enhanced FMAP determined under section
24 2105(b) shall apply to expenditures under an
25 applicable existing waiver for the provision of

1 child health assistance or other health benefits
2 coverage to a nonpregnant childless adult dur-
3 ing the period beginning on the date of the en-
4 actment of this subsection and ending on Sep-
5 tember 30, 2009.

6 “(3) STATE OPTION TO APPLY FOR MEDICAID
7 WAIVER TO CONTINUE COVERAGE FOR NONPREG-
8 NANT ADULTS.—

9 “(A) IN GENERAL.—Each State for which
10 coverage under an applicable existing waiver is
11 terminated under paragraph (2)(A) may sub-
12 mit, not later than July 31, 2009, an applica-
13 tion to the Secretary for a waiver under section
14 1115 of the State plan under title XIX to pro-
15 vide medical assistance to a nonpregnant adult
16 whose coverage is so terminated (in this sub-
17 section referred to as a ‘Medicaid nonpregnant
18 adults waiver’) and who was covered under the
19 State plan (or such a waiver) as of September
20 30, 2008 and for whom the State was receiving
21 payment on the basis of an enhanced FMAP.

22 “(B) DEADLINE FOR APPROVAL.—The
23 Secretary shall make a decision to approve or
24 deny an application for a Medicaid nonpregnant
25 adults waiver submitted under subparagraph

1 (A) within 90 days of the date of the submis-
2 sion of the application. If no decision has been
3 made by the Secretary as of September 30,
4 2009, on the application of a State for a Med-
5 icaid nonpregnant adults waiver that was sub-
6 mitted to the Secretary by July 31, 2009, the
7 application shall be deemed approved.

8 “(C) STANDARD FOR BUDGET NEU-
9 TRALITY.—The budget neutrality requirement
10 applicable with respect to expenditures for med-
11 ical assistance under a Medicaid nonpregnant
12 adults waiver shall—

13 “(i) in the case of fiscal year 2010,
14 allow expenditures for medical assistance
15 under title XIX for all such adults to not
16 exceed the total amount of payments made
17 to the State under paragraph (3)(B) for
18 fiscal year 2009, increased by the percent-
19 age increase (if any) in the projected nomi-
20 nal per capita amount of National Health
21 Expenditures for fiscal year 2010 over fis-
22 cal year 2009, as most recently published
23 by the Secretary; and

24 “(ii) in the case of any succeeding fis-
25 cal year, allow such expenditures to not ex-

1 ceed the amount in effect under this sub-
2 paragraph for the preceding fiscal year, in-
3 creased by the percentage increase (if any)
4 in the projected nominal per capita amount
5 of National Health Expenditures for the
6 fiscal year involved over the preceding fis-
7 cal year, as most recently published by the
8 Secretary.

9 “(b) APPLICABLE EXISTING WAIVER.—For purposes
10 of this section—

11 “(1) IN GENERAL.—The term ‘applicable exist-
12 ing waiver’ means a waiver, experimental, pilot, or
13 demonstration project under section 1115, grand-
14 fathered under section 6102(c)(3) of the Deficit Re-
15 duction Act of 2005, or otherwise conducted under
16 authority that—

17 “(A) would allow funds made available
18 under this title to be used to provide child
19 health assistance or other health benefits cov-
20 erage to—

21 “(i) a parent of a targeted low-income
22 child;

23 “(ii) a nonpregnant childless adult; or

24 “(iii) individuals described in both
25 clauses (i) and (ii); and

1 “(B) was in effect on October 1, 2008.

2 “(2) DEFINITIONS.—The term ‘nonpregnant
3 adult’ means any individual who is not a targeted
4 low-income pregnant woman (as defined in section
5 2112(d)(2)) or a targeted low-income child.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) Section 2107(f) (42 U.S.C. 1397gg(f)) is
8 amended—

9 (A) by striking “, the Secretary” and in-
10 serting “:

11 “(1) The Secretary”;

12 (B) in the first sentence, by striking
13 “childless”;

14 (C) by striking the second sentence; and

15 (D) by adding at the end the following new
16 paragraph:

17 “(2) The Secretary may not approve, extend,
18 renew, or amend a waiver, experimental, pilot, or
19 demonstration project with respect to a State after
20 the date of enactment of the Children’s Health In-
21 surance Program Reauthorization Act of 2009 that
22 would waive or modify the requirements of section
23 2111.”.

24 (2) Section 6102(c) of the Deficit Reduction
25 Act of 2005 (Public Law 109–171; 120 Stat. 131)

1 is amended by striking “Nothing” and inserting
2 “Subject to section 2111 of the Social Security Act,
3 as added by section 112 of the Children’s Health In-
4 surance Program Reauthorization Act of 2009, noth-
5 ing”.

